


EXHIBIT I

Portillo et al. v. National Freight, Inc. et al., No 15-7908 (D.N.J.) - Class Notice

signsc@gtlaw.com <signsc@gtlaw.com>

Wed 10/14/2020 12:27 PM

To: Thomas Fowler <tfowler@llrlaw.com>; Harold Lichten <hlichten@llrlaw.com>; SSchalman-Bergen@bm.net <SSchalman-Bergen@bm.net>; CFundora@bm.net <CFundora@bm.net>; Zach Rubin <zrubin@llrlaw.com>
Cc: boudreauj@gtlaw.com <boudreauj@gtlaw.com>; robbsc@gtlaw.com <robbsc@gtlaw.com>

 1 attachments (24 KB)

53136860_v 1_DRAFT Class Notice - 10.13.2020.DOCX;

Counsel,

Attached is the form of class notice NFI will agree to. Note it includes a section advising class members of the indemnity provision in the 2017 Independent Contractor Operating Agreement. It is designed to be informative and that's it, letting them know of the provision and that participating in the case may consequently impact their legal rights. We understand you are not likely willing to include this in the notice, at least without the Court directing you to do so, so NFI is willing to permit the mailing of a version of this notice less the section related to the 2017 Agreement to class members who only contracted with NFI prior to 2017. That will at least get the notice into the hands of the bulk of class members while the remaining issues get sorted out. Please let us know Plaintiffs' position on the notice.

Sincerely,
Christiana Signs

Christiana L. Signs

Shareholder

Greenberg Traurig, LLP

1717 Arch Street | Suite 400 | Philadelphia, PA 19103

T +1 215.988.7868 | F +1 215.717.5232

signsc@gtlaw.com | www.gtlaw.com | [View GT Biography](#)



If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate the information.

**IMPORTANT NOTICE REGARDING YOUR RIGHTS TO PARTICIPATE
IN A CLASS ACTION LAWSUIT AGAINST NATIONAL FREIGHT, INC.**

The purpose of this Notice is to inform you of a class action lawsuit against National Freight, Inc. and NFI Interactive Logistics (collectively “NFI”). The lawsuit is called Portillo, et al. v. National Freight, Inc. et al. It was filed in the United States District Court for the District of New Jersey. The case number is 15-7908.

You are receiving this Notice because on June 30, 2020, the Court certified this case as a class action and NFI records show you meet the definition of the class certified: All individuals who 1) entered into, either personally or through a corporate entity, an independent contractor agreement with NFI that had a New Jersey choice-of-law clause; and 2) drove a vehicle on a full-time basis to perform deliveries of goods to Trader Joe’s stores anywhere on the East Coast on behalf of NFI at any time since June 22, 2009. “Full-time basis” means that you personally delivered at least 80% of the loads assigned to you as a contractor.

Please read this Notice carefully. Your rights may be affected by a class action lawsuit pending in this Court. ***You are NOT being sued.***

1. DESCRIPTION OF LAWSUIT AND DEFENSES.

The named Plaintiffs in this lawsuit are John Portillo, Rafael Suarez, Martin Duran, German Bencosme, Edin Vargas, Luis A. Hernandez, Josue Paz, and Alvaro Castaneda. They allege NFI misclassified certain drivers as independent contractors rather than employees and, as a result, unlawfully deducted certain amounts from drivers’ compensation checks in violation of New Jersey’s wage payment law. Plaintiffs seek to recover the amounts allegedly wrongfully deducted.

NFI denies these allegations. NFI says it properly classified delivery drivers who worked for NFI delivering to Trader Joe’s stores on the East Coast as independent contractors rather than employees, and that any deductions made from settlement pay were authorized and lawful.

2. YOUR RIGHTS AND OPTIONS.

To participate in this case, you do not need to do anything. This Notice is only to inform you that the lawsuit exists and to advise you that you have the right not to participate in the case, if you choose. If you remain in the lawsuit, you will be bound by the judgment of the Court, and you will be bound by any ruling.

The Court will exclude from the case any person who requests exclusion. If you choose to be excluded from the case, you will not participate in the case and you will not be bound by any judgment entered. You will not be entitled to any money obtained by Plaintiffs, and you also will not be bound by any ruling for the Plaintiffs or for NFI. If you exclude yourself, you may obtain your own counsel and bring a separate lawsuit, or you may choose to do nothing.

To be excluded from this lawsuit, you must send a letter, fax, or e-mail to one of the law firms representing the class, with your name, address, and the statement, "Please exclude me from the NFI lawsuit." You may send a request for exclusion to:

Hyun Ji Yim, Administrator
Lichten & Liss-Riordan, P.C.
729 Boylston St., Suite 2000
Boston, MA 02116
Fax: 617-994-5801
Email: claims@llrlaw.com

The deadline for sending a letter, fax or e-mail requesting exclusion is 2020 [45 days from date notice is mailed].

Please note that as a driver for NFI who falls within the class definition, there is a possibility that you could be asked to participate in the case, including by testifying as a witness at trial.

Also note that if you signed a 2017 Independent Contractor Operating Agreement, it includes a contractual provision that could impact your legal rights should you participate in this case. The Agreement states, in relevant part:

... CONTRACTOR agrees to indemnify and hold CARRIER harmless from all reasonable attorney's expenses CARRIER incurs in defending against any claims, suits, actions, or administrative proceedings brought by CONTRACTOR, CONTRACTOR's

owner (if any), or any employees or other personnel engaged by CONTRACTOR to perform services under this Agreement or any third party that allege that CONTRACTOR or any of CONTRACTOR's workers is an employee of CARRIER. (Emphasis in original).

If you are party to the 2017 Agreement, you are encouraged to read it carefully and consult with an attorney regarding your legal rights before choosing to participate in this case.

3. THE LAWYERS REPRESENTING THE PARTIES.

If you do not ask to be excluded from the case or retain your own counsel, your interests will be represented by counsel for Plaintiffs and the Class:

Harold Lichten
Thomas Fowler
Zach Rubin
Lichten & Liss-Riordan, P.C.
729 Boylston St., Suite 2000
Boston, MA 02116
(617) 994-5800
(617) 994-5801 (fax)
www.llrlaw.com

Sarah Schalman-Bergen
Camille Fundora Rodriguez
Alexandra Korohey Piazza
Berger Montague PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
(215) 875-3033
www.bergermontague.com

Lichten & Liss-Riordan, P.C. and Berger Montague PC will represent you on a contingency fee basis, which means that they will be paid by receiving a portion of any award to which you may be entitled. You will not have to pay out-of-pocket costs for the representation, and if there is no recovery, there will be no attorneys' fees. Any payment of attorneys' fees and/or costs by NFI to Plaintiffs' counsel may be subject to prior Court approval.

You do not need to hire your own lawyer, but you can retain your own lawyer at your own expense if you choose.

For your information, the lawyers representing NFI in the case are James N. Boudreau and Christiana L. Signs of the law firm Greenberg Traurig LLP, www.gtlaw.com.

4. GETTING MORE INFORMATION.

If you have any questions about this Notice or would like to get more information about this lawsuit, you may write, call, or e-mail Attorneys Harold Lichten at hlichten@llrlaw.com or Thomas Fowler at tfowler@llrlaw.com, or the law firm's class action administrator at claims@llrlaw.com or Attorney Camille Fundora Rodriguez at crodriguez@bm.net.

DO NOT CONTACT THE COURT, OR COUNSEL FOR DEFENDANTS IF YOU HAVE QUESTIONS ABOUT THIS MATTER.

* * *

THE FORM OF THIS NOTICE HAS BEEN APPROVED BY THE COURT BUT THE COURT DOES NOT EXPRESS ANY VIEW OR JUDGMENT AT THIS TIME AS TO THE MERITS OF THE CLAIMS OR DEFENSES OF THE PARTIES IN THIS CASE.